



Corrections and Community Supervision

Earned Eligibility Program Summary Semiannual Report

October 2014 – March 2015

EARNED ELIGIBILITY PROGRAM SUMMARY

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INTRODUCTION

Legislative reporting requirements established in 1992 mandate semiannual reports on the Earned Eligibility Program (EEP). EEP evaluates an eligible inmate's program progress and overall record of behavior to determine if an Earned Eligibility Certificate (EEC) should be issued for his/her Parole Board hearing. The issuance of an EEC reflects an evaluation of attendance, participation and progress as well as institutional behavior related to programming. Each report provides information regarding the operation of the Earned Eligibility Program for the preceding six month period.

The information in this report is drawn from parole interview dispositions and Earned Eligibility reviews. Data on Earned Eligibility statuses and Parole Board dispositions are maintained by the Department of Corrections and Community Supervision (DOCCS). If a case is missing information on either Earned Eligibility status or parole disposition it is excluded from the analysis. For individuals with more than one parole interview during the relevant time period (due to postponements at their initial interview), information is provided on each interview and corresponding Earned Eligibility status. Consequently, Parole Board appearances¹, not individuals, are the units of analysis.

Overview of Earned Eligibility Program

The goal of EEP is to increase the rate of safe releases for inmates who have demonstrated an overall pattern of progress in prescribed programs. The program administrators evaluate inmates' preparedness for release based on their compliance with sets of minimum standards for behavior and for progress toward satisfying treatment needs.

Prior to an inmate's initial Parole Board interview, the Earned Eligibility Program provides for a review of treatment and disciplinary records to determine whether the case is "certifiable" and whether an Earned Eligibility Certificate should be issued or denied. The criteria for these determinations are:

- **Issued:** Inmates who have been programming successfully for 90 days or more at the time of their Parole Board appearance;

¹ In May 2003, the Legislature authorized inmates to be Presumptively Approved for release by the then Department of Correctional Services to the Division of Parole without a Parole Board interview. Presumptively approved inmates still appear before the Parole Board to set the conditions of their parole supervision. This report treats the presumptively approved inmates as Parole Board appearances who received parole approvals.

- Denied: Inmates who have refused recommended programming, have unsatisfactory disciplinary records or have been removed from recommended programs for poor attendance and/or poor participation;
- Non-certifiable: Inmates with less than 90 days of programming at the time of their Parole Board appearance due to out-to-court, medical restrictions, psychiatric care, or protective custody. Inmates who are unassigned for any of these reasons during the twelve months prior to their Parole Board appearance may also be designated non-certifiable.

Evaluation results are provided to the Parole Board to be used in deciding whether to release the inmate or to deny parole. For eligible inmates, an EEP review is required for each subsequent Parole Board hearing. This program of standards and review is available to inmates serving indeterminate sentences with minimum sentences of eight years or less.

Earned Eligibility Program Expansion

When the Earned Eligibility Program began in 1987, eligibility for the program was limited to inmates with minimum sentences of six years or less. The Legislature expanded the program to include inmates with minimum sentences of up to eight years in May 2003. Initial interviews for cases having minimum sentences of more than six (6) years but no more than eight (8) years began in June 2003. All of the tables in this report reflect the parole interviews that occurred between October 2015 and March 2016 for inmates with minimum sentences of eight years or less.

Types of Earned Eligibility Review Interviews

Table 1 shows that between October 2014 and March 2015, there were 4,896 interviews for earned eligibility cases. Merit interviews and Initial interviews are similar in that both represent the first appearance before the Parole Board. The 3,470 Initial interviews and the 705 Merit interviews will be the focus of this report. These 4,175 initial interviews account for 85% of the cases reviewed, while reappearances account for the remaining 15%.

**Table 1: Parole Interview Type for EEP Cases by Month of Interview
October 2014 through March 2015**

Hearing Month	Interview Type				Total
	Initial*	Merit	Reappearance	Parole Violator Reappearance	
October '14	560 69.7%	117 14.6%	115 14.3%	12 1.5%	804 100.0%
November '14	632 72.2%	109 12.5%	124 14.2%	10 1.1%	875 100.0%
December '14	561 73.1%	103 13.4%	89 11.6%	14 1.8%	767 100.0%
January '15	574 70.2%	132 16.1%	104 12.7%	8 1.0%	818 100.0%
February '15	565 72.3%	111 14.2%	94 12.0%	11 1.4%	781 100.0%
March '15	578 67.9%	133 15.6%	130 15.3%	10 1.2%	851 100.0%
Total	3,470 70.9%	705 14.4%	656 13.4%	65 1.3%	4,896 100.0%

* Initials include 385 interviews for Shock cases

Earned Eligibility Status and Parole Board Interview Results

Table 2 shows that the Parole Board held 4,175 initial interviews for EEP cases between October 2014 and March 2015.

- Of these cases, 57% were issued (2,394) an EEP Certificate, 21% were denied (894) and 21% were non-certifiable (887).
- DOCCS issued 2,394 EEP certificates. The Parole Board approved 36% or 849 of these cases.
- Non-certifiable cases (887) were approved for release at a rate of 16%, while EEP cases that were denied certificates (894) were approved for release at a rate of 7%.
- Overall, the Parole Board approved 25% of the EEP cases for release.

**Table 2: EEP Review Results and Parole Board Approvals at Initial Interviews
October 2014 through March 2015**

EEP CERTIFICATE	Number of Interviews	Percent of Interviews	Number Approved	Percent Approved
Issued	2,394	57.3%	849	35.5%
Denied	894	21.4%	65	7.3%
Non-certifiable	887	21.2%	141	15.9%
Total	4,175	100.0%	1,055	25.3%

Earned Eligibility Certificate Denials and Parole Board Interview Results

Table 3 shows the general reasons that a case may be denied an EEP certificate.

- The majority (62%) of the 894 EEP certificate denials were due to poor behavior that interfered with program progress (552). This group of inmates had a 3% approval rate.
- Among the general denial reasons, inmates not receiving an EEP certificate due to poor participation and/or progress accounted for 25% (223) of the group and were approved for release at a rate of 17%. This represents the highest approval rate among the four general denial reasons.
- Those who were denied due to poor program attendance accounted for 9% (78) of the cases and were approved at a rate of 9%.
- Those who refused to participate in their recommended programs accounted for 4% (37) of the denials and had a 3% rate of approval.

**Table 3: EEP Certificate Denial Reasons and Parole Board Approvals at Initial Interviews
October 2014 through March 2015**

REASONS FOR EEP DENIAL	Number	Percent of Denials	Approved	Percent Approved Within Denial Reason
Poor Participation and / or Progress	223	24.9%	38	17.0%
Poor Program Attendance	78	8.7%	7	9.0%
Refusal to Participate	37	4.1%	1	2.7%
Behavior Interfered with Program	552	61.7%	19	3.4%
Other	4	0.4%	0	0.0%
Total	894	100.0%	65	7.3%

Non-Certifiable Earned Eligibility Cases and Parole Board Interview Results

Table 4 shows the general reasons that an EEP case would be determined to be non-certifiable and the results of the initial Parole Board interview. In contrast with EEP denials, non-certification recognizes that deficiencies in the inmate's program participation may be due to circumstances beyond the inmate's control.

- Of the 887 cases determined to be non-certifiable, 482 inmates (54%) were non-certifiable due to insufficient time in prescribed programs. These cases had a 15% approval rate.
- Forty-three percent (384) of the cases were non-certifiable due to being in reception. These cases had a 17% approval rate.
- Although only 7 cases (1%) were non-certifiable due to a hospital stay, they were approved for release at a rate of 43%, which represented the highest approval rate among the non-certifiable categories.

Table 4: EEP Non-Certifiable Reasons and Parole Board Approvals at Initial Interviews October 2014 through March 2015

NON-CERTIFIABLE EEP STATUS REASONS	Number	Percent Non-certifiable	Approved	Percent Approved within Non-Certifiable reason
Insufficient Time in Program	482	54.3%	71	14.7%
Hospital	7	0.8%	3	42.9%
Out to Court	6	0.7%	0	0.0%
In Reception	384	43.3%	67	17.4%
Other	8	0.9%	0	0.0%
Total	887	100.0%	141	15.9%

Earned Eligibility Status within Offense Type and Parole Board Interview Results

Table 5 shows the distribution of the 4,175 EEP cases within offense types. Within each offense type, the result of the initial EEP review is cross referenced with the decision of the Parole Board.

- Of the 4,175 initial EEP cases, 2,376 (57%) were Property/Other Offenders and 1,003 (24%) were convicted of Other Coercive crimes. Youthful Offenders (302) made up 7% of the initial EEP cases while Violent Felony Offenders (279) made up 7% and Drug Offenders (211) made up 5%.

- Compared with the last EEP Semiannual Report, the number of EEP-eligible drug offenders who appeared before the Parole Board decreased slightly (from 244 to 211), while their approval rates increased. Previously, between April 2014 and September 2014, there were 53 drug offenders approved for release, with a 22% approval rate. During the current six month period, there were 56 drug offenders approved for release, with a 27% approval rate.
- Among inmates issued an EEP certificate, Youthful Offenders were approved for release at the highest rate (68%), followed by Property Offenders (41%). With the exception of Juvenile Offenders, with no approvals, the lowest approval rate was among Violent Felony Offenders (6%).

**Table 5: EEP Status within Crime Category by Initial Parole Board Interview Result
October 2014 through March 2015**

OFFENSE TYPE	EEP CERTIFICATE	RELEASE DECISION				Total	
		APPROVED		DENIED			
Violent Felony	Issued	8	5.9%	127	94.1%	135	48.4%
	Denied	0	0.0%	136	100.0%	136	48.7%
	Non-Cert	0	0.0%	8	100.0%	8	2.9%
	Total	8	2.9%	271	97.1%	279	100.0%
Other Coercive	Issued	140	24.1%	440	75.9%	580	57.8%
	Denied	8	4.0%	194	96.0%	202	20.1%
	Non-Cert	21	9.5%	200	90.5%	221	22.0%
	Total	169	16.8%	834	83.2%	1,003	100.0%
Drug Offenses	Issued	50	32.9%	102	67.1%	152	72.0%
	Denied	3	7.0%	40	93.0%	43	20.4%
	Non-Cert	3	18.8%	13	81.3%	16	7.6%
	Total	56	26.5%	155	73.5%	211	100.0%
Property and Other	Issued	583	40.9%	844	59.1%	1,427	60.1%
	Denied	48	11.2%	382	88.8%	430	18.1%
	Non-Cert	96	18.5%	423	81.5%	519	21.8%
	Total	727	30.6%	1,649	69.4%	2,376	100.0%
Youthful Offender	Issued	68	68.0%	32	32.0%	100	33.1%
	Denied	6	7.6%	73	92.4%	79	26.2%
	Non-Cert	21	17.1%	102	82.9%	123	40.7%
	Total	95	31.5%	207	68.5%	302	100.0%
Juvenile Offender	Issued	0	0.0%	0	0.0%	0	0.0%
	Denied	0	0.0%	4	100.0%	4	100.0%
	Non-Cert	0	0.0%	0	0.0%	0	0.0%
	Total	0	0.0%	4	100.0%	4	100.0%
Total	Issued	849	35.5%	1,545	64.5%	2,394	57.3%
	Denied	65	7.3%	829	92.7%	894	21.4%
	Non-Cert	141	15.9%	746	84.1%	887	21.2%
	Total	1,055	25.3%	3,120	74.7%	4,175	100.0%

Conclusion

Overall, in the period between October 2014 and March 2015, there were 4,896 EEP interviews. Eighty-five percent (4,175 cases) of these reviews were for initial appearances at the Parole Board.

The overall approval rate for the 4,175 inmates at initial appearances was 25%. The 2,394 inmates who earned an EEP certificate were approved for release at the highest rate (36%). Among 887 inmates who were non-certifiable, 141 inmates (16%) were approved. Only 65 inmates (7%) were approved among 894 inmates denied an EEP certificate (7%).

Between October 2014 and March 2015, the 3,379 “Property/Other” and “Other Coercive” offenders constituted the two largest categories considered for an EEP certificate, accounting for over three-quarters (81%) of the interviews.

As a result of determinate sentencing and Drug Law reform, the 211 drug offenders represented only 5% of the interviews in this report period. This is in contrast to the same time period during 2006, when the 2,468 drug offenders represented 38% of the interviews. This represents a 91% decrease in the number of interviews held among drug offenders.

Of the 100 Youthful Offenders who were issued an EEP certificate, 68% were approved for release, the highest approval rate among crime categories for those issued EEP certificates. Of the 135 Violent Felony offenders that were issued an EEP certificate, only 6% (8 cases) were approved for release by the Parole Board, which was the lowest approval rate among crime categories, for those issued EEP certificates.

There were only four Juvenile Offenders that had an initial interview the Parole Board during this reporting period, none of whom were approved for release.

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